

**AGENDA
CITY OF FREDERICKSBURG
PLANNING & ZONING COMMISSION**

Tuesday, October 2, 2012

5:30 P.M.

LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

PAGE REF.

1. Call to Order
2. Approve minutes from the September 2012 Regular Meeting

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PUBLIC HEARINGS

3. PUBLIC HEARING (Z-1212) by VEI Consultants on behalf of Creekside Commercial, LLC for a Conditional Use Permit to allow a drive through facility associated with a dry cleaning business in the CBD, Central Business District Zoning District located at 108 & 110 E. Ufer St.
4. Consider making a recommendation on Z-1212
5. PUBLIC HEARING (Z-1213) by Dean Kuhlmann on behalf of The Estate of Antonette Marie Keating to:
 - A) Consider a change in the Land Use Plan from Low Density Residential to Medium Density Residential on property located at 416 E. Austin Street
 - B) Consider a change in zoning from R-1, Single Family Residential to R-2, Mixed Residential on said property
6. Consider making a recommendation on Z-1213

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Pp 22 - 33

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION
September 5, 2012
5:30 P.M.

On this the 5th day of September, 2012 the PLANNING AND ZONING COMMISSION convened in regular session at the Law Enforcement Center with the following members present to constitute a quorum:

JANICE MENKING - Chair
CHARLIE KIEHNE
STEVE THOMAS
BJORN KIRCHDORFER
BRENDA SEGNER
JASON HELFRICH
CHRIS KAISER
BOBBY WATSON
MATT LINES

ABSENT:

ALSO PRESENT: BRIAN JORDAN - Director of Development Services
PAT MCGOWAN - City Attorney
TAMMIE LOTH - Development Coordinator

Janice Menking called the meeting to order at 5:30 P.M.

MINUTES

It was moved by Brenda Segner and seconded by Bjorn Kirchdorfer to approve the minutes from the July 2012 regular meeting. All voted in favor and the motion carried.

ELECT CHAIR AND VICE-CHAIR

It was moved by Bjorn Kirchdorfer to re-elect Janice Menking as Chair of the Planning and Zoning Commission. Charlie Kiehne seconded the motion. All voted in favor and the motion carried.

It was moved by Bjorn Kirchdorfer to re-elect Brenda Segner as Vice-Chair of the Planning & Zoning Commission. Charlie Kiehne seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARINGS

PUBLIC HEARING (Z-1211) BY FRANK HARRIS, DBA KUSTOM KLEAN CAR WASH, FOR A CONDITIONAL USE PERMIT TO ALLOW A DRIVE THROUGH FACILITY ASSOCIATED WITH A CAR WASH IN THE C-2, COMMERCIAL ZONING DISTRICT LOCATED AT THE NORTHEAST CORNER OF FRIENDSHIP LANE AND HWY 87 SOUTH - It was moved by Bjorn Kirchdorfer and seconded by Brenda Segner to open Public Hearing Z-1211 by Frank Harris, dba Kustom Klean Car Wash, for a Conditional Use Permit to allow a drive

through facility associated with a car wash in the C-2, Commercial Zoning District located at the northeast corner of Friendship Lane and Hwy 87 South. Andy Bray, architect for the project and Frank Harris, developer, presented the application. Mr. Bray stated the project will be a flex car wash offering two types of car wash, a self-pay and full service, located on a 1.82 acre tract which they are planning on subdividing. Mr. Bray noted the lots will be subdivided into a .82 acre tract, which is where the car wash will be located, and an adjacent one acre lot. Mr. Bray noted there will be a sales office, a wash tunnel, a lobby, a free vacuum area, a full service detail area, and a pay area which is where the customer will select the type of wash he wants. Mr. Bray noted parking is provided but is not required by zoning ordinance. Mr. Bray noted there are two entrances, the main one being at the east side of the property and another drive near the center of the property designed as a right in and right out only, which will be shared with the corner lot when it is subdivided and developed. Mr. Bray noted there is room for 6 cars in the queue and the customer will stay in the car as the wash is paid for and the car goes through the wash tunnel. Mr. Bray noted after the wash tunnel the customer will either leave the car wash, go to the vacuum area or take his car to the detail area, which is where the customer will exit his car and proceed to the lobby. Mr. Bray noted there are a couple things that make this project unique. One of those things is that this will be the only full service wash in Fredericksburg and the other is how the water will be handled. Mr. Bray noted they have implemented underground water reclamation tanks where the water will be filtered through three tanks and then reused. Mr. Bray also noted there is rainwater collection facility to store water that will help offset the irrigation needs. Mr. Bray commented permeable pavers will be installed at the entrance to eliminate some of the storm water run off and noted they will use low water need plants for landscaping to try and conserve water. Mr. Bray stated the wash tunnel will be a CMU block structure with stucco and native limestone with a barrel vault roof system that is like a translucent skylight so the customer will not feel like they are in a dark tunnel during the wash process. Mr. Bray noted the lobby area will be a stick frame building with limestone and a metal roof.

There were no comments from the public. Brenda Segner moved to close Public Hearing Z-1211. Jason Helfrich seconded the motion . All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, stated the right in, right out was designed so there will not be cars turning into the site across the turn lane on Friendship Lane. Mr. Jordan noted the coverages are within the requirements and commented the parking requirement is considered only with the cars in queue, but both Staff and the applicant felt there will be a need for the parking for the staff at the car wash which is why parking was added to the site. Mr. Jordan also noted one parking space will be handicapped. Mr. Jordan noted one letter was received in protest from the adjacent neighbor because she believes a fence should be required between her property and the subject property to eliminate cars from driving through her property. Mr. Jordan commented that was not a requirement from Staff, but the Commission is entitled to require such. Mr. Jordan stated screening along the east property line has been noted because it abuts a residentially zoned area. Mr. Jordan noted Staff recommendation of approval with the following conditions:

1. Screening in accordance with Section 7.940, A.2 be provided along the eastern property line.
2. Approval of Construction Plans prior to issuance of a building permit.

Charlie Kiehne asked if there could be a sign posted for the exit only drive and Mr. Jordan noted that could be required. Bjorn Kirchdorfer asked what the hours of operation will be and Mr. Bray noted 8:00 a.m. - 6:00 p.m. Monday through Saturday and 9:00 a.m - 3:00 p.m. on Sundays. Mr. Kirchdorfer asked if 30 cars could fit on the property and Mr. Bray noted the design is for 12 cars. Jason Helfrich asked approximately how long the cars will stay on the property and Mr. Harris noted they can speed up or slow

down the tunnels based on day to day need. Mr. Harris also noted there are two additional un-canopied spots that could be used for longer detail jobs. Mr. Kiehne asked if there will be a barrier across the entrance when the car wash is closed and Mr. Harris noted they have considered that. Brenda Segner stated there will probably be 8 - 10 employees on site and only 4 parking spaces. Mr. Bray noted there is no requirement in the zoning ordinance for any parking which is typical and ordinary for this type project, but they have allowed for some parking on the site. Ms. Segner noted the protest letter concerns her a little and Mr. Harris noted they have all the respect in the world for their neighbor and will do all they can to make certain customers do not drive through her property or use her parking spaces. Mr. Jordan also commented curbing will be installed with the project so that will be a deterrent to individuals crossing over to her property. Mr. Jordan noted by Dr. Walton filing the protest letter, the City Council will have to approve the project with a 3/4 vote to override her protest if her property represents more than 20% of the entire notice area. Steve Thomas asked if there is room for screening on the property and Mr. Bray noted there was.

Bjorn Kirchdorfer moved to approve Application Z-1211 with the conditions set forth by Staff. Chris Kaiser seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING (Z-1212) BY VEI CONSULTANTS ON BEHALF OF CREEKSIDE COMMERCIAL, LLC FOR A CONDITIONAL USE PERMIT TO ALLOW A DRIVE THROUGH FACILITY ASSOCIATED WITH A DRY CLEANING BUSINESS IN THE CBD, CENTRAL BUSINESS DISTRICT ZONING DISTRICT LOCATED AT 108 & 110 E. UFER ST.

- Janice Menking asked if there was anyone present that wanted to speak on the public hearing for the dry cleaning business. No one was present. Brian Jordan, Director of Development Services, noted the maps that are used to send out notices did not recognize all of the property included on the application and once City Staff was able to adjust the map using metes and bounds there was a small amount of owners who did not receive the notice, so those will be re-sent and the application will be on the October agenda.

SITE PLAN

SP-1206 - CONSIDER A SITE PLAN FOR OOSTERBAAN OPTOMETRIC CLINIC AT THE CORNER OF E. MULBERRY AND N. LLANO

- Stan Klein, architect, presented the application and Dr. Hans Oosterbaan was also present. Mr. Klein noted this project was presented approximately 4 years ago and the project will be on 2 lots that total .61 acres. Mr. Klein stated it will be a one story building, 28 feet high and 6,146 square feet. Mr. Klein noted the lots will be re-platted into one lot and the site will be developed with an optometric center and an additional small building located next to the center. Mr. Klein commented access will be from E. Mulberry and it will be a two-way entrance and parking will be head in. Mr. Klein noted 22 spaces are required by ordinance and they have designed the site with 24 spaces. Mr. Klein also noted there will be a sidewalk put in on N. Llano St. Mr. Klein stated there is site planning for detention and commented primarily nothing is changing from the plan that was presented and approved four years ago. Mr. Klein noted the existing trees will be retained and there is an existing sewer utility easement that was deeded prior to Dr. Oosterbaan owning the property which is to be used for future development. Mr. Klein added the dumpster will be located on the southwest corner of the property and will be screened on the Mulberry Street side.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the issues to be resolved include the final design of the detention and the city will need to extend a sewer line in Mulberry Street to get to the project, but

that will be dealt with as part of the construction of the building. Mr. Jordan explained the easement Mr. Klein referred to is along the west property line and it was reserved for some vacant land that would be impossible to get sewer to without an easement. Mr. Jordan stated the City will be looking at the grade of the project detention and may install the line during construction of the applicant's project. Mr. Jordan noted the driveway is clearly marked as a fire lane. Mr. Jordan also commented some trees will have to be removed but the most significant trees will be retained.

Mr. Jordan noted Staff recommendation of approval with the following conditions:

1. Approval of a Landscape Plan prior to issuance of a building permit.
2. Stormwater Detention being approved prior to issuance of a building permit.
3. All exterior lighting being shielded.
4. Approval of engineering plans/comments prior to issuance of a building permit.

Bjorn Kirchdorfer asked what the time frame for the project is and Mr. Klein noted the applicant is planning to be finished in a year or less. Matt Lines asked if the sidewalk is optional to some degree and Mr. Jordan stated it is not because even though there has been discussion about revising the conditions that require a sidewalk, nothing has changed and the subdivision ordinance calls for sidewalks along major thoroughfares and Llano is considered as such.

Bobby Watson moved to approve Application SP-1206 with the conditions set forth by Staff. Matt Lines seconded the motion. All voted in favor and the motion carried.

DISCUSSIONS

OCTOBER MEETING DATE

Brian Jordan, Director of Development Services, stated he will be out of town at a conference on the next scheduled meeting date and asked the Commission if the meeting date could be moved to either the Tuesday before the scheduled meeting date, October 2nd, or the following Wednesday, October 10th. Mr. Jordan clarified any applications heard at either October meeting date will be forwarded to the regularly scheduled Council meeting. There followed some discussion and the Commission decided to have the meeting on Tuesday, October 2, 2012.

TOWN POOL SITE PLAN

Brian Jordan, Director of Development Services, stated the pool design is well underway and he thought the Commission should be aware of what is developing. Mr. Jordan noted Steve Thomas is on the design team and he will present an illustration of the plan. Mr. Jordan stated the pool will be similar to what is there now, but new buildings will be constructed. Mr. Jordan added the project will be put out to bid on September 14th, the bids will be opened on October 9th and approved on October 15th for a summer 2013 opening. Mr. Thomas then showed the Commission a slide presentation of the plans for the new town pool.

UPDATE OF THE SUBDIVISION ORDINANCE

Brian Jordan, Director of Development Services, noted money has been put into the budget this year to update the Subdivision Ordinance. Mr. Jordan commented the Comprehensive Plan recommends the zoning and subdivision ordinance be updated and the city has chosen to update the subdivision ordinance first. Mr. Jordan commented the City Manager wants to get the Zoning Ordinance updated as soon as the Subdivision Ordinance is done and those are two very big projects that the Commission will take a

large part in. Mr. Jordan added the City will hire a third party consultant to help develop the new ordinance.

ADJOURN

With nothing further to come before the Commission, Chris Kaiser moved to adjourn. Charlie Kiehne seconded the motion. All voted in favor and the meeting was adjourned at 6:48 p.m.

PASSED AND APPROVED this the 2nd day of October, 2012.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman

CONDITIONAL USE PERMIT BRIEF

Request Z-1212

Owners: Creekside Commercial, LLC.

Applicant: VEI Consulting Engineers – Kevin Spraggins

Location: 108 and 110 E. Ufer Street

Existing Zoning: CBD, Central Business District

Request: Conditional Use Permit for Drive Through associated with dry-cleaners facility.

Site Plan Overview:

- The property consists of 2 tracts totaling approximately 1.6 acres (69,694 square feet), with approximately 200' of frontage on Ufer Street.
- The site lies approximately 200' east of the intersection of Ufer Street and S. Adams Street.
- There are currently two vacant residences located on the property. The applicant intends to remove each of the existing structures.
- The applicant intends to develop a commercial project consisting of 2 buildings for professional office, general retail and personal services. The total building area proposed is 16,460 square feet.
- The applicant is proposing two drives into the site from Ufer Street, with one drive near the middle of the property aligning with the drive into HEB and the second drive near the east side of the property.
- The purpose of this Conditional Use Permit is to consider a drive-through element proposed as part of the dry-cleaners facility proposed in Building 1. This drive-through is proposed on the eastern side of the building and contains a stacking area for 4 vehicles.
- Impervious coverage is estimated to be approximately 88% (90% maximum allowed in the CBD District) outside the floodplain.
- There is no maximum Building Coverage in the CBD District.
- The northern portion of the property is located within the 100-year Floodplain for Baron's Creek. This area is proposed as a drainage easement and a portion is proposed as a pedestrian access easement.
- The site currently contains a number of native trees (primarily Pecan). The applicant is proposing to remove the trees on the interior of the property and preserve a few of the trees in front of the proposed building along Ufer Street (see attached Tree Plan).
- The site is bordered by an office to the west, Baron's Creek to the north, a vacant residence to the east, and commercial (HEB) to the south.
- Adjacent zoning is CBD to the west, north, and east and PUD to the south.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- The applicant has been working with the Fire Marshal to address fire lane access to all portions of buildings. The plan attached to this report has been revised and will be presented at the meeting next week.

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B. COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:

- The proposed use of the site for office, retail and personal services would be compatible with existing and permitted uses within the vicinity. The CBD zoning is intended for intense commercial activities. The proposed uses are permitted by zoning, and the design of the drive-through would seem compatible with other permitted uses within the CBD zoning.

C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:

- We do not expect the proposed uses to have a negative affect on adjacent properties.

D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:

- Eliminating the easternmost drive and addressing the fire lane requirements are recommended. The applicant is working on a revised plan to address these issues.

E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:

- As proposed, the site contains 2 drives from Ufer Street. The Zoning Ordinance states that no more than one access shall be permitted for any street frontage up to 200'. While this site is currently made up of 2 lots, replatting will be required to eliminate the encroachment of the lot line through the building, resulting in a frontage of 200'. Even though this frontage is right at the threshold of 200', given the existing and anticipated traffic on Ufer Street, we would recommend a single drive located near the center of the property.

F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:

- Buildings proposed are located out of the 100-year Floodplain shown on the plan. As stated previously, the applicant has revised the attached plan to address fire lane access to all portions of the buildings.

G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:

- External lighting shall be shielded and directed onto the site. Signage will be required to meet the requirements of the sign ordinance, and the ground sign shown on the Site Plan will need to be located outside the corner visibility triangle.

H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:

- Parking provided is adequate based on the breakdown of uses proposed. However, there are many additional uses allowed within the CBD zoning which would render the parking inadequate. We would recommend that the applicant consider reducing the amount of square footage of buildings within the site, or reconfigure the buildings so additional parking could be provided.

I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:

- The proposed dry-cleaning business falls within the definition of Personal Services and is permitted in the CBD District. The purpose of this Conditional Use Permit is to consider the drive-through component of the proposed use. The proposed use would seem compatible with the intent described in the Zoning.

J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:

- Affirmative.

K. DETERMINATION THAT THE PROPOSED USE AND SITE DEVELOPMENT, TOGETHER WITH ANY MODIFICATIONS APPLICABLE, THERETO, WILL BE COMPATIBLE WITH EXISTING OR PERMITTED USES IN THE VICINITY:

- With the recommended changes to the site including the elimination of the eastern drive, replatting and addressing the fire lane requirements, the proposed use and site development would seem consistent with the CBD regulations.

L. DETERMINATION THAT ANY CONDITIONS APPLICABLE TO APPROVAL ARE THE MINIMUM NECESSARY TO MINIMIZE POTENTIALLY UNFAVORABLE IMPACTS ON NEARBY USES AND TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING OR PERMITTED USES IN THE SAME DISTRICT AND THE SURROUNDING AREA:

- See Item K above.

M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:

- See item K above.

Additional Information: The applicant has included the area along the creek within the limits of his property. Our records indicate that private ownership extends approximately 200' from Ufer Street, and the ownership of the area between the north property line and the creek is in question. The area in question is primarily floodplain, but also includes usable and developable land. The city is interested in retaining the area within the floodplain for the purpose of a drainage easement and a pedestrian access easement for a future trail as recommended by the Comprehensive Plan. The additional land outside the floodplain which the applicant has included as part of his plan needs to be resolved prior to final approval. The staff is willing to support the use of this land for development purposes with Council approval. The final lot configuration, ownership, easements and floodplain shall be finalized prior to approval of construction plans and issuance of a permit.

OPPOSITION/SUPPORT OF REQUEST: To date, we have received three letters in support and none in opposition to this request.

STAFF RECOMMENDATION: Staff recommends approval conditioned upon the following:

1. Limiting access to the property to a single drive, with said driveway being near the center of the property aligning with the driveway at HEB.
2. Providing adequate fire lane access to all buildings on site.
3. All exterior lighting being shielded.
4. Approval of a Landscape Plan prior to issuance of a building permit.
5. Resolving the use and ownership of the area along the creek prior to issuance of a building permit.
6. Replatting the property into a single tract.

Note: The applicant has made several changes to the site layout, but these revisions were not available at the time this report was completed and packets were prepared. A revised plan will be presented at the meeting next week. Changes to our recommendations will be discussed at the meeting.



CASE NUMBER _____

DATE _____

AUG 13 2012

APPLICATION FOR CONDITIONAL USE PERMIT

APPLICATION IS HEREBY MADE TO THE PLANNING & ZONING COMMISSION AND THE CITY COUNCIL TO GRANT A CONDITIONAL USE PERMIT IN THE ZONING DISTRICT OF THE CITY OF FREDERICKSBURG AS HEREIN SET FORTH:

CONDITIONAL USE PERMIT -\$100.00

- 1. APPLICANT: VEI Consulting Engineers
- 2. ADDRESS: 507 D East Highway St.
- 3. PHONE NUMBER: 830 997 4744 FAX NUMBER: 830 997-6967
- 4. OWNER (if different from applicant): Creekside Commercial, LLC.
- 5. ADDRESS: 507 D East Highway St.
- 6. PHONE NUMBER: 830.997.4744 FAX NUMBER: 830.997.6967
- 7. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
 ADDRESS: 108 + 110 E. ufer St.
 LEGAL DESCRIPTION: See attached
 LOT SIZE: 200 x (311/366) LOT AREA: 1.60 Ac.
- 8. EXISTING ZONING: CBD DISTRICT
- 9. CONDITIONAL USE PERMIT: Drive thru USE CLASSIFICATION IN
 THE CBD ZONING DISTRICT.

10. INFORMATION TO BE PROVIDED BY THE APPLICANT:

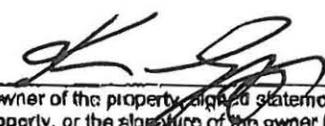
- A. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Director of Development Services may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.

See attached

(attach additional sheet if necessary)

- B. Seven (7) copies of a site plan (24 x 36 inches) and 3 copies of a reduced site plan (11 x 17 inches) showing preliminary building elevations, preliminary improvement plans, and such additional maps and drawings all sufficiently dimensioned as required to illustrate the following:
 - 1. The date, scale, north point, title, name of owner, and the name of the person preparing the site plan.
 - 2. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed streets and alleys, and the 100 year flood plain.
 - 3. The location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 50 feet.
 - 4. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs and lighting.

- 5. The location of water courses and drainage features.
- 6. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
- 7. For sites with an average slope greater than ten (10%) percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.
- 8. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

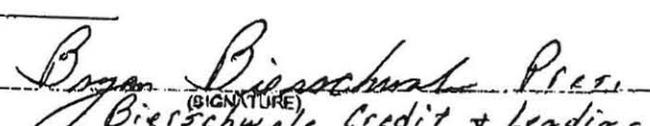
11. SIGNATURE OF APPLICANT: 
 NOTE: If the applicant is not the legal owner of the property, signed statement by the owner that the applicant is the authorized agent of the owner of the property, or the signature of the owner below, is required.

SIGNATURE OF OWNER: _____

DATE: 8/13/2012

FEE PAID: _____

TITLE SEARCH: _____
(Date)

12. CONSENT OF LIENHOLDER: 
(SIGNATURE)
Bierschwale Credit & Lending Co.
 NOTE: If this property is encumbered by lien, consent of the lienholder is required.

13. List of property owners within 200 feet. (provided by City)

Conditional Use Permit (CUP):

We are requesting a CUP for drive-thru service for a dry-cleaner's drop station in Building 1, as shown on the Site Plan. Customers will drive up to a sliding glass door at the northeastern corner of the proposed Building. The area allows room for an attendant and customer to interact for clothing drop-off or pick-up. The current Plan shows room for three (3) cars in this drive-thru lane. This capacity exceeds our needs.

Site Plan:

The Site Plan entails the proposed develop of a commercial center between East Ufer Street and Barons Creek. We are marketing the center to local and national retailers and service providers, as well as professional offices, looking for a higher traffic area than they may currently have in the City of Fredericksburg.

LEGEND

	PROPERTY BOUNDARY
	ADJACENT PROPERTY BOUNDARY
	EDGE OF CREEK
	EXISTING CURB AND GUTTER
	PROPOSED CURB AND GUTTER
	FLOODPLAIN LINE
	VISIBILITY TRIANGLE AT DRIVEWAY
	PROPOSED SANITARY SEWER LINE
	PROPOSED WATER LINE
	PROPOSED ELECTRIC LINE
	PROPOSED BUILDING
	PROPOSED CONCRETE SIDEWALK
	PROPOSED PAVEMENT
	PROPOSED TRAIL
	PROPOSED LANDSCAPE AREAS
	PROPOSED NUMBER OF PARKING SPACES
	FOUND 3/8" IRON ROD
	MEANDER POINT
	SET 1/2" IRON ROD
	PROPOSED SIGN
	PROPOSED PORTE COCHERE
	PROPOSED CLEANOUT
	PROPOSED WATER METER
	PROPOSED ELECTRIC POLE

SUMMARY TABLE

ZONING	CB0 - CENTRAL BUSINESS DISTRICT
LOT AREA	69,694 sq. ft. / 1.60 Ac.
PROPOSED BUILDINGS AREA (PROFESSIONAL OFFICE/GENERAL RETAIL)	14,460 sq. ft. / 0.33 Ac.
PARKING SPACES REQUIRED (1 SPACE PER 400 sq. ft.)	36
PROPOSED BUILDINGS AREA (PERSONAL SERVICES)	2,000 sq. ft. / 0.05 Ac.
PARKING SPACES REQUIRED (1 SPACE PER 300 sq. ft.)	7
TOTAL PARKING SPACES REQUIRED	43
TOTAL PROPOSED BUILDINGS AREA	16,460 sq. ft. / 0.38 Ac.
PARKING SPACES PROVIDED	44
HANDICAP PARKING SPACES REQUIRED	2
HANDICAP PARKING SPACES PROVIDED	3
PERVIOUS AREA	5,785 sq. ft. / 0.13 Ac.
IMPERVIOUS AREA	40,885 sq. ft. / 0.94 Ac.
ALLOWABLE IMPERVIOUS PERCENTAGE (ABOVE FLOODPLAIN)	90%
PROPOSED IMPERVIOUS PERCENTAGE (ABOVE FLOODPLAIN)	88%

A
SITE PLAN
FOR

CREEKSIDE
108/110 E. UFER ST.

TRACT OF LAND SHOWING A 1.60 AC. TRACT OF LAND BEING ALL OF TOWNLOT NO. 579 AND 580 OF THE GERMAN EMIGRATION MAP OF FREDERICKSBURG, TEXAS AND ENVIRONS IN GELLESPIE COUNTY, TEXAS AND A 0.682 AC. TRACT OF LAND OUT OF AN UNNUMBERED OR UNNAMED AREA OF THE GERMAN EMIGRATION MAP OF FREDERICKSBURG, TEXAS AND ENVIRONS IN GELLESPIE COUNTY, TEXAS AND A PORTION OF BARON'S CREEK.

CREEKSIDE COMMERCIAL, L.L.C. OWNER

CONTACT: KEVIN SPRAGGINS (830) 997-4744
507-D E. HIGHWAY ST. FAX: (830) 997-6967
FREDERICKSBURG, TX 78624

VEI CONSULTING ENGINEERS ENGINEER

CONTACT: KEVIN W. SPRAGGINS (830) 997-4744
507-D E. HIGHWAY ST. FAX: (830) 997-6967
FREDERICKSBURG, TX 78624 Texas Registration # F-185

FILE NO: 12043

DATE: 09/20/2012

SHEET: SP-1 (1 OF 2)

NOTES:

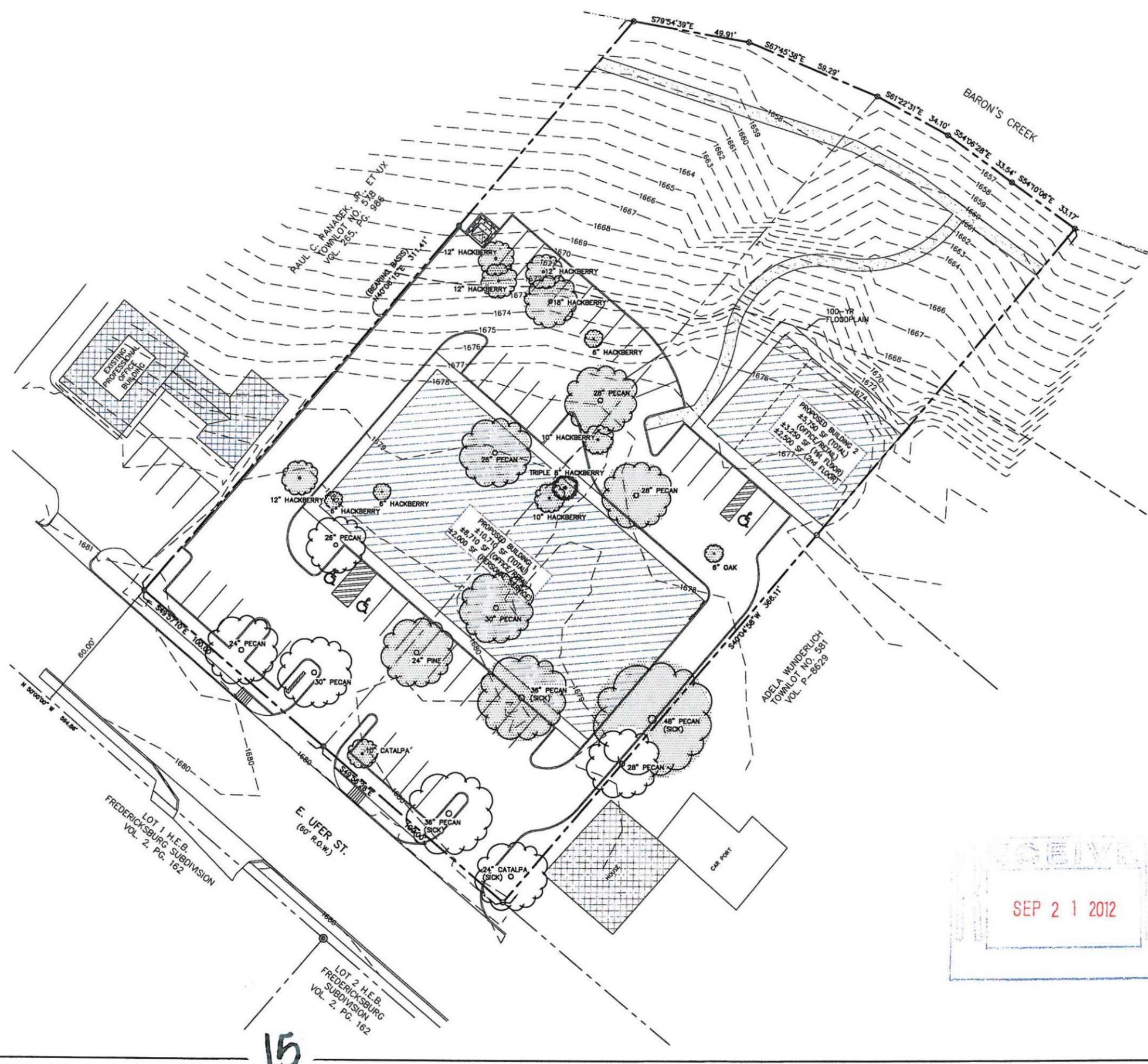
- MINIMUM REQUIRED SETBACKS FOR FRONT, REAR, STREET SIDE, INTERIOR SIDE, AND REAR IS 0 FEET.
- SINGLE STORY BUILDING HEIGHT TO BE ±22'. TWO STORY BUILDING HEIGHT TO BE ±35'.
- ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
- SHARED ACCESS AND PARKING EASEMENTS WILL BE REQUIRED FOR INTERIOR DRIVES AND PARKING. EASEMENT SHALL BE RECORDED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THERE IS AN EXISTING UTILITY POLE LOCATED WITHIN A PROPOSED MAIN DRIVEWAY.
- THE FLOODPLAIN ELEVATION WILL NOT BE AFFECTED BY THIS DEVELOPMENT.





LEGEND

- PROPERTY BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- EDGE OF CREEK
- EXISTING CURB AND GUTTER
- PROPOSED CURB AND GUTTER
- FLOODPLAIN LINE
- EXISTING BUILDING
- PROPOSED BUILDING
- PROPOSED CONCRETE SIDEWALK
- PROPOSED TRAIL
- PROPOSED LANDSCAPE AREAS
- PROPOSED PERVIOUS PAVERS
- PROPOSED IMPERVIOUS PAVERS
- PROPOSED SIGN
- EXISTING TREES TO REMAIN
- EXISTING TREE TO BE REMOVED



A
TREE PLAN
FOR

CREEKSIDE
108/110 E. UFER ST.

TRACT OF LAND SHOWING A 1.60 AC. TRACT OF LAND BEING ALL OF TOWNLOT NO. 579 AND 580 OF THE GERMAN EMIGRATION MAP OF FREDERICKSBURG, TEXAS AND ENVIRONS IN GILLESPIE COUNTY, TEXAS AND A 0.682 AC. TRACT OF LAND OUT OF AN UNNUMBERED OR UNNAMED AREA OF THE GERMAN EMIGRATION MAP OF FREDERICKSBURG, TEXAS AND ENVIRONS IN GILLESPIE COUNTY, TEXAS AND A PORTION OF BARON'S CREEK.

CREEKSIDE COMMERCIAL, LLC. OWNER
CONTACT: KEVIN SPRAGGINS (830) 997-4744
507-D E. HIGHWAY ST. FAX: (830) 997-6967
FREDERICKSBURG, TX 78624

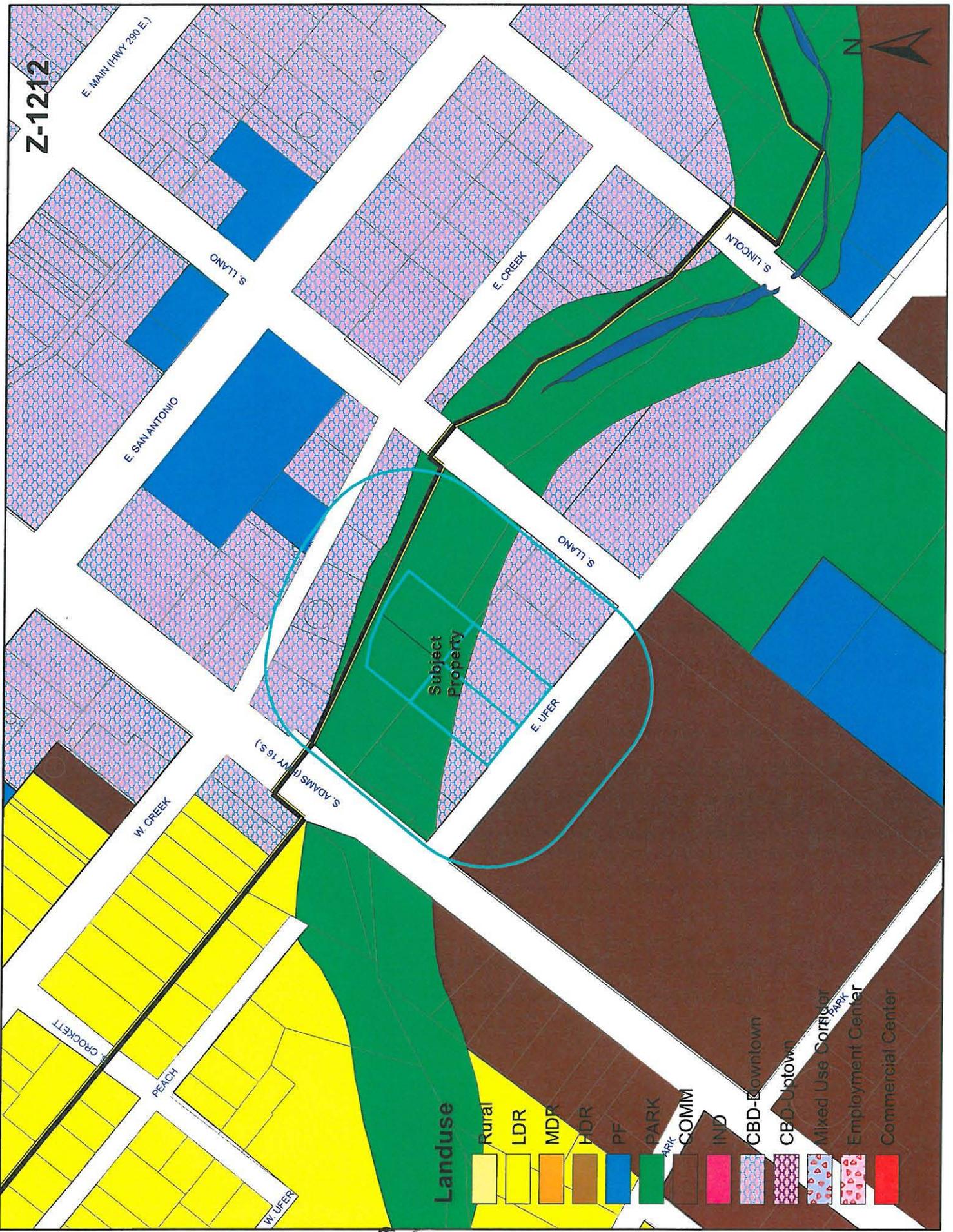
VHI CONSULTING ENGINEERS ENGINEER
CONTACT: KEVIN W. SPRAGGINS (830) 997-4744
507-D E. HIGHWAY ST. FAX: (830) 997-6967
FREDERICKSBURG, TX 78624 Texas Registration # F-165

FILE NO: 12043
DATE: 09/21/2012 SHEET: TP-1 (2 OF 2)



15

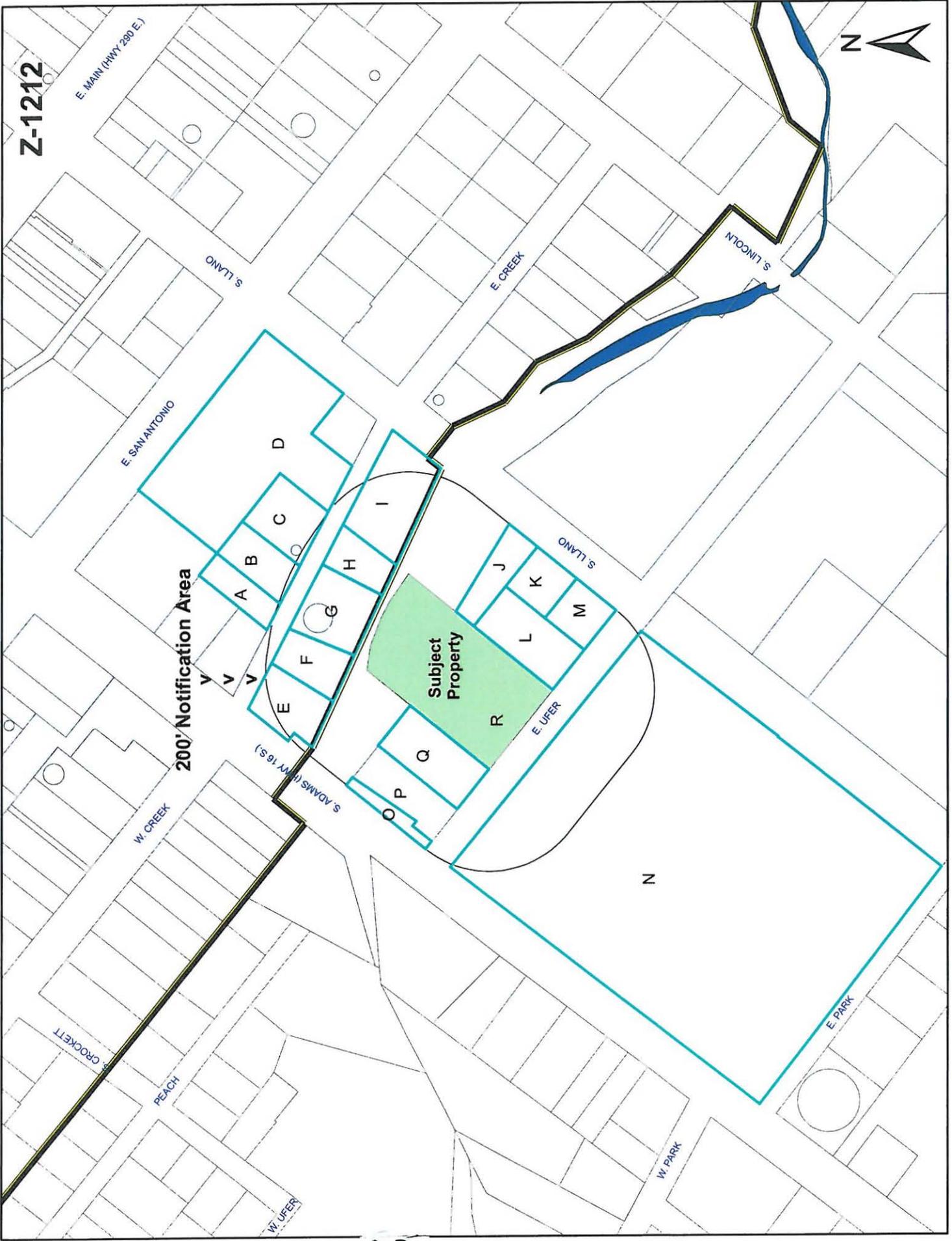




17



Z-1212



**NOTICE OF PUBLIC HEARING FOR
A CONDITIONAL USE PERMIT**

HEARING

DATE: **OCTOBER 2, 2012**

TIME: **5:30 PM**

REQUEST

NUMBER: **Z-1212**

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and Zoning.

According to City Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**. The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING

DATE: **OCTOBER 15, 2012**

TIME: **7:00 PM**

REQUEST

NUMBER: **Z-1212**

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: VEI Consultants on behalf of Creekside Commercial, LLC

LOCATION: 108 & 110 E. Ufer St.
(see accompanying map)

REQUEST: Conditional Use Permit to allow a drive through facility associated with a dry cleaning service in the CBD, Central Business District

(DETACH BELOW)

REQUEST NO. Z-1212

As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed

Date

Printed Name

Address

20

21

Letter	Owner	
A	Robert James Killian	
B	Deborah Jean O'Boyle	
C	Deborah Jean O'Boyle	
D	Holy Ghost Lutheran Church	
E	Daniel Durst	
F	Frank E. Floyd	
G	Melvin W. & Susan C. O'Bryant	
H	M W & Dolores Lasswell	
I	M W & Dolores Lasswell	
J	Mrs. Olivia Gomez	
K	Adela Wunderlich	
L	Adela Wunderlich	
M	Alfred E. Wunderlich Estate	
N	H E Butt Grocery Co. #561	
O	State of Texas	
P	Paul & Dorothy Panaceck, Jr.	
Q	Paul & Dorothy Panaceck, Jr.	
	Creekside Commercial	

Z-1212

LAND USE PLAN AND ZONING CHANGE BRIEF

Rezoning Request # Z-1213

- OWNER:** Estate of Antonette Marie Keeting
- APPLICANT:** Dean Kuhlmann, Executor
- LOCATION:** 416 E. Austin (also known as 202 N. Elk), northwest corner of Elk and Austin. (See attached map).
- SIZE:** Approximately 0.275 acres (12,000 Square feet)
- EXISTING ZONING:** R-1, Single-Family Residential
- PROPOSED CHANGE:**
1. Change in Land Use Plan from Low Density Residential to Medium Density Residential; and
 - 2) Change in Zoning from R-1 Single Family Residential to R-2, Mixed Residential.

FINDINGS:

- The property presently contains a home, guest house and garage building.
- The property is rectangular in shape, with approximately 100' of frontage on Austin Street, and 120' of frontage on Elk Street.
- Water and Sanitary sewer are available to serve this property.
- Adjacent zoning is R-1 Single Family Residential to the west and north, CBD to the south across Austin Street and PF Public Facilities to the east across Elk Street. (see attached zoning map).
- The Land Use Plan identifies the adjoining property to the west and north as Low Density Residential, property to the east as Public Facilities, and property to the south as CBD – Downtown.
- Adjacent land uses include Single-family residences north and west, facilities of the Admiral Nimitz Foundation (Ruff House) to the east, and B&B complex (Angels on the Creek) to the south.

LAND USE PLAN CHANGE: In considering a Land Use Plan change, the Planning and Zoning Commission shall make the following determinations prior to forwarding a recommendation to the Council.

- A. The property affected by the request is adequate in size and shape to facilitate those uses normally associated with the requested designation. **In staff's opinion, the subject property itself is not large enough to accommodate Medium Density Land Uses. In order to accommodate medium density land uses, a district larger in size would be more appropriate.**
- B. The property affected by the request does not exceed the capabilities of the infrastructure. **Infrastructure serving this area is adequate to support medium density residential activities.**
- C. The request will have no adverse affect on any property within 600 feet of the affected property. **When considering the medium density land use designation, all potential uses, including apartments, duplexes, condominiums, B&B's and single family homes need to be considered. Given the size and proposed use of the subject property for multiple dwellings, we would not anticipate any negative affects on adjoining property.**
- D. The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan. **As a stand-alone property, we would not consider the proposed medium density residential designation appropriate. If it is determined that medium density residential uses are appropriate in this area, we would recommend the creation of a zoning district, or an extension of an existing district, rather than "spot zoning" a particular tract or parcel.**
- E. The request, together with the applicable conditions, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. **While the request for a change to medium density residential may be reasonable, we do not think it is appropriate on a single lot within this block. An appropriate district would need to be created wherein land uses are compatible with the surrounding area.**

MEDIUM DENSITY RESIDENTIAL: The Comprehensive Plan states this category includes single family detached dwellings on smaller lots and attached dwellings units, such as duplex units and townhomes. Medium density land uses often provide for housing for "empty nesters" who may not want the maintenance of a large-lot single-family home, and for young families who may find a townhome or duplex more affordable than a single-family home. They play an important role in providing workforce housing as well. These residential uses can provide a buffer between lower density residential areas and more intensive residential, non-residential or mixed use areas. An average of 8 dwelling units per gross acre is assumed for these areas.

ZONING: While the Land Use Plan designation is more general in nature, the type of zoning is more specific. In particular, the applicant is requesting a change to R-2, Mixed Residential. The proposed zoning is intended to provide for medium density living, for example, with not more than one (two-bedroom) dwelling unit permitted for each 3500 square feet of lot area. Additional uses necessary and incidental to multiple family dwellings are also permitted. It is a zone well suited as a buffer between single family uses and other more intensive uses.

OPPOSITION/SUPPORT OF REQUEST: Staff has received no letters in support and no letters in opposition to this request.

STAFF RECOMMENDATION: Staff does not recommend changing the zoning on the subject property as a stand-alone tract. However, if the Commission is inclined to consider a change of zoning in this area, we would recommend that a larger area be considered and a zoning district be created. To do so, the Commission would need to direct staff to call a Public Hearing on the specific area to be considered. If directed by the Commission, we would recommend including all lots fronting on Austin Street within the block between Elk and Washington be considered.

There are several options for the Commission to consider. First, the Commission may recommend approval of the change requested. Second, the Commission may recommend denying the request, or third, the Commission may recommend that we consider changing the zoning on all or a portion of the remaining properties within the block. If this option is selected, a subsequent public hearing will be required before making a final recommendation.

LAND USE - ZONING

APPLICATION FOR RE-ZONING- \$100.00

APPLICATION IS HEREBY MADE TO THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION TO AMEND THE ZONING ORDINANCE AND THE ZONING DISTRICT MAP OF THE CITY OF FREDERICKSBURG AS HEREINAFTER SET FORTH

- 1. APPLICANT: Dean Kuhlmann (executor: Estate of Antonette Marie Keating)
- 2. ADDRESS: 547 Chimney Cove Dr. Marble Falls, TX 78654
- PHONE NUMBER: 512 762 3370 FAX NUMBER: N/A
- 3. OWNER (IF DIFFERENT FROM APPLICANT) Estate of Antonette Marie Keating
- 4. ADDRESS: N/A (deceased)
- 5. PHONE NUMBER: N/A FAX NUMBER: _____
- 6. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
ADDRESS: 416 E. Austin Street, 202 N. Elk - (same property)
LEGAL DESCRIPTION: Lot 480 BR-PT., Block 59
LOT SIZE: double lot corner of Austin and Elk (0.275ac)
- 7. ZONING CHANGE REQUESTED FROM R1 ZONING DISTRICT TO R-2 Medium Density Residential ZONING
- 8. JUSTIFICATION FOR REQUEST: Busy streets, optimal B&B area, other B&B's in vicinity. Prime location on historical walkway.
- 9. ARE THERE ANY DEED RESTRICTIONS WHICH WOULD PREVENT THIS PROPERTY FROM BEING USED IN THE MANNER HEREIN PROPOSED? NONE KNOWN
- 10. EXISTING IMPROVEMENTS ON PROPERTY: If there are any structures on the property, attach a plot plan, drawn to scale (to fit on an 11 x 17" paper, if possible) showing the location and size of all existing structures and their distance from the lot lines, plus proposed development plans if any.
- 11. CONFORMANCE WITH LAND USE PLAN: YES NO
An application for re-zoning will not be accepted unless the requested zoning classification conforms to the Comprehensive Land Use Plan. An applicant may apply for a change in the Comprehensive Land Use Plan. An applicant may apply for a change in the Comprehensive Land Use Plan concurrently with a re-zoning application. However, the Planning & Zoning Commission and the City Council shall consider and make its recommendation or decision on the Comprehensive Land Use Plan change prior to the re-zoning.

APPLICATION FOR LAND USE PLAN CHANGE-\$200.00

APPLICATION IS HEREBY MADE TO THE CITY COUNCIL AND THE PLANNING & ZONING COMMISSION TO AMEND THE LAND USE PLAN MAP OF THE CITY OF FREDERICKSBURG AS HEREIN SET FORTH:

- 12. CHANGE REQUESTED FROM: see above low density residential LAND USE TO Medium density residential LAND USE.
- 13. SIGNATURE OF APPLICANT: Dean Kuhlmann (Executor)

Note: If the applicant is not the legal owner of the property, A signed statement by the owner that the applicant is the authorized agent of the owner of the property, or the signature of the owner is required:

SIGNATURE OF OWNER: _____

DATE: 8/5/2012

FEE PAID: _____ Re-zoning Land Use Plan Change

TITLE SEARCH: see attached
Note: A current title search must be submitted with the application



September 10, 2012

City of Fredericksburg
Development Services Department
126 W. Main Street
Fredericksburg, TX 78624-3708
Attn: Mr. Brian Jordan

Subject: 416 E. Austin Street
Zone & Land Use Change Request to R2 – Medium Density Residential

Dear Mr. Jordan,

The above named property is owned by the Estate of Antonette Marie Keating of which I am the Executor. On behalf of the Estate, I am submitting a request to your department to rezone the above mentioned property as R2 – Medium Residential. The property is a double-lot located at the corner of E. Austin and Elk Streets in Fredericksburg. The legal description is Lot 480 BR-PT, Block 59.

Enclosed please find the following:

- Application
- Warranty Deed indicating meets and bounds description
- Title Search
- Check in the amount of \$300

This property no longer meets the definition of its currently zoned category of R1 Low Density. The justification for this request is as follows:

1. Other commercial properties

Property is surrounded by commercial properties:

- Two restaurants across-corner from the property. Sights, sounds, smells and constant traffic of commercial business in progress for 18 hours every day
- Nimitz Living History Museum is directly across Elk Street
- Angel's Lodge is directly across Austin Street

2. Highly trafficked intersection and street

Elk and Austin Streets have become a primary thoroughfare for automobiles, motorcycles and pedestrians. The noise and volume of the traffic is beyond the category of the current zoning requirements as the commercialization of the adjacent areas has surrounded this section of the block. Typical single-family residence seeking a quiet cup of coffee and enjoyment of their children playing in their yard can no longer leverage this property for that, making this property ideal as the buffer between commercial and publicly zoned properties and higher density usage.

3. Nimitz Commercial Walkway

In accordance with the city's own design of the pedestrian walkway, visitors to the museum must walk down Austin Street, directly in front of this property. Along with this city-developed walkway comes noise, trash and a constant lack of privacy to the residents of this area from the pedestrian thoroughfare. Signs marking the walkway have actually been installed on this property, further commercializing the very property that is currently zoned R1 – Low Density.

4. Corner lot

With full respect and consideration for all other adjacent properties, this lot is on the corner facing all of the previously mentioned commercial properties and the need to have it zoned as R2-Medium is prevalent. By definition, this property is perfectly defined in Section 3.110 – Intent, "It is a zone well suited as a buffer between single family uses and other more intense uses." With commercial and public zoning on all properties surrounding this corner lot, the request for rezoning is a valid consideration.

5. Other property owners

Each of the following home owners have been contacted to explain the reasoning, benefits and potential issues with a change to R2 – Medium Density. Each has not only expressed their understanding, but has stated that they would not object to the request should the city decide to rezone the entire section of the street. Notwithstanding their interest and right to attend a hearing to better understand the issues, the owners of the following properties are in agreement:

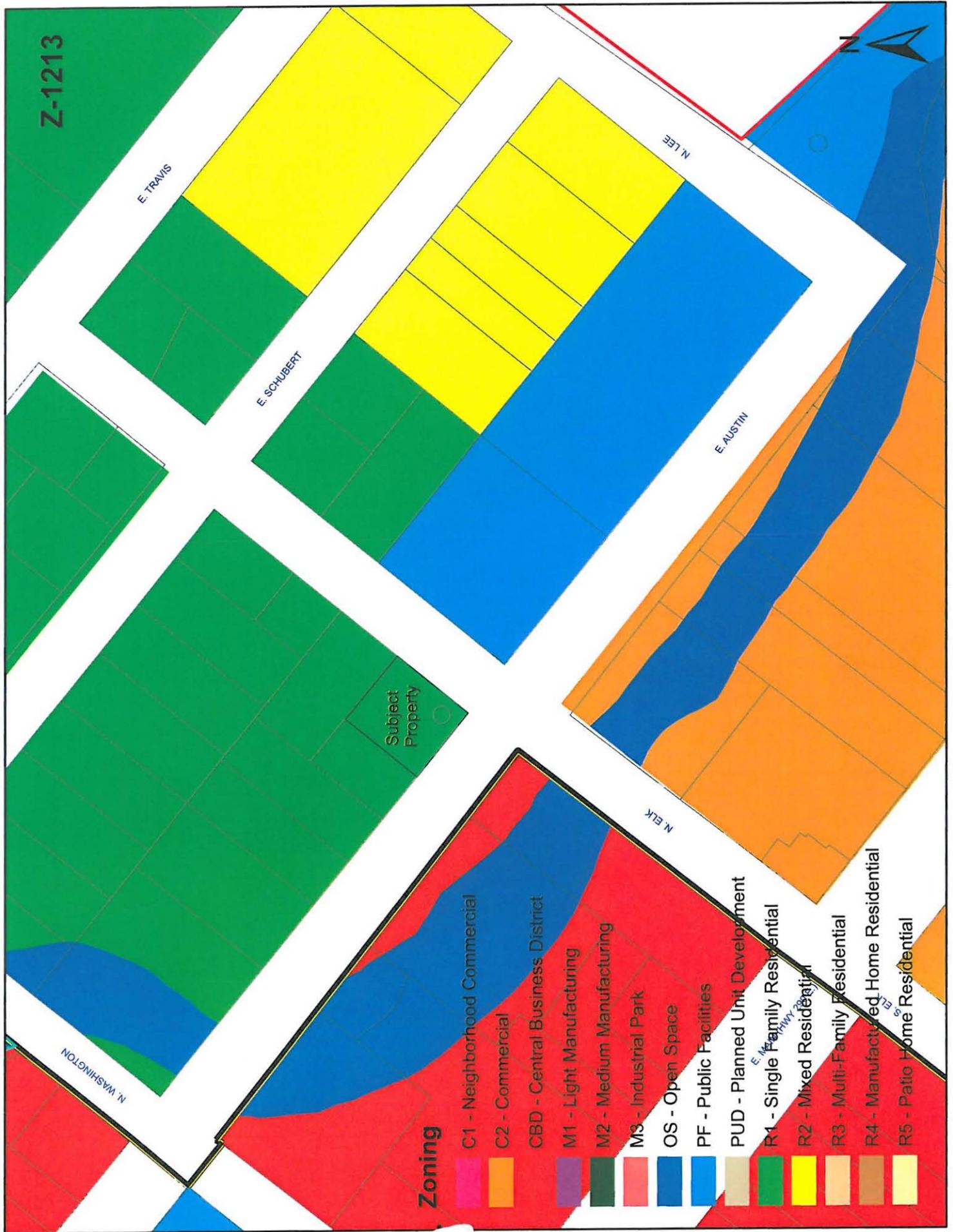
- 408 E. Austin Street
- 412 E. Austin Street
- 416 E. Austin Street
- 204 N. Elk Street

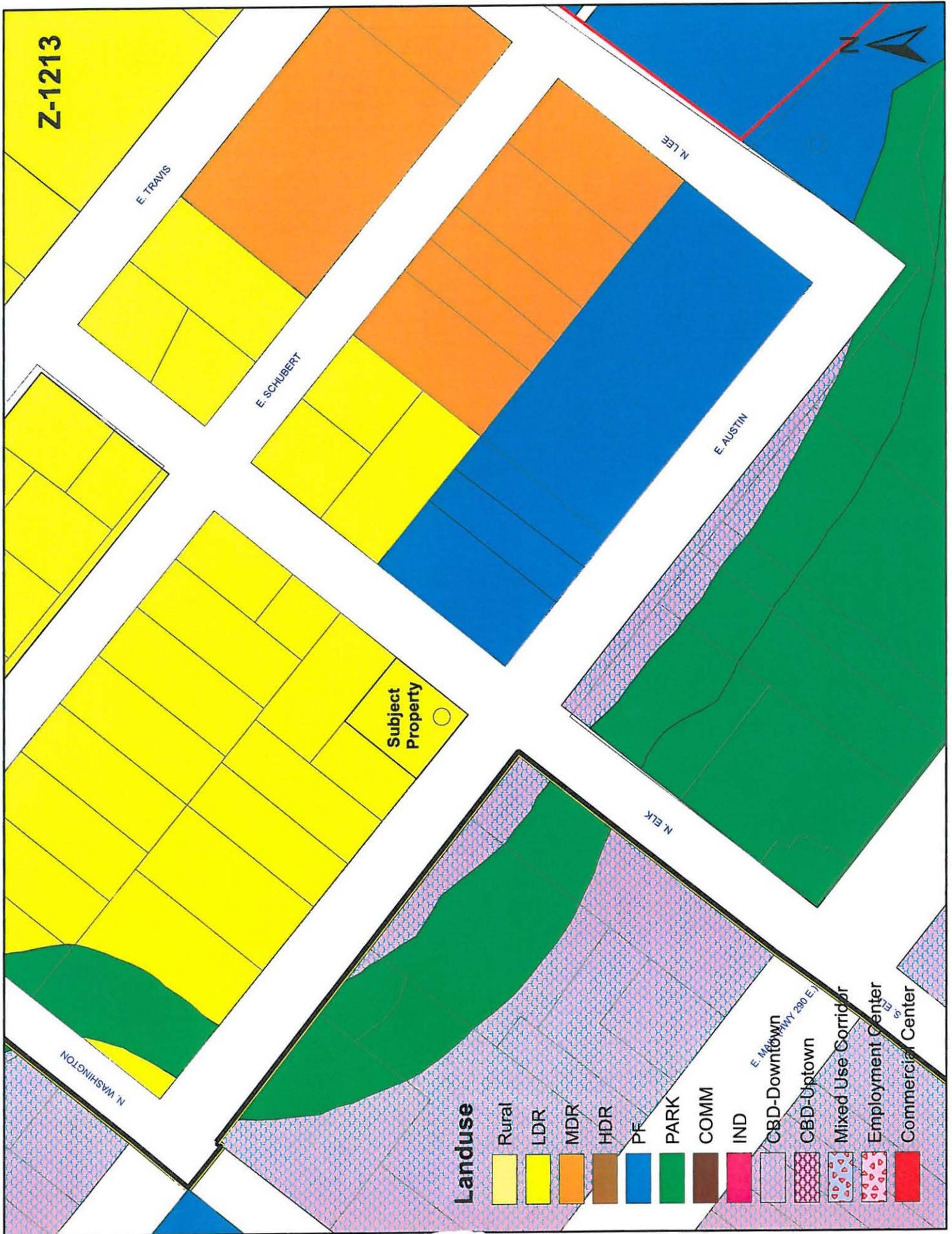
For all of the reasons stated above, I request this property to be considered to be rezoned in accordance with the application attached. I appreciate your attention to this matter.

Sincerely,



Dean Kuhlmann
Executor to the Estate of Antonette Marie Keating
547 Chimney Cove Drive
Marble Falls, TX 78654
512.762.3370 cell







Z-1213



200' Notification Area

32

Letter	Owner	
A	Ilda Remus Shibe	
B	Willie & Elmeria Madche	
C	G H & Sharon Joy Brunner	
D	Pauline Mary Walch	
E	Gary & Sharon Joy Brunner	
F	Kristina Keck Seracen & Gina Seracen	
G	The Admiral Nimitz Foundation	
H	The Admiral Nimitz Foundation	
I	Mamacita's	
J	G Harvey, Ltd.	
K	Ron Ross Custom Homes, LLC	
L	Michael A. Harrison etal	
M	Rebecca Rather	
N	David L. & Patricia Laughlin	
O	Dudley & Connie Goulden	
P	Hall Family Living Trust	
Q	Dean Kuhlmann etal	

Z-1213

**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN LAND USE AND A CHANGE IN ZONING**

HEARING
DATE: **OCTOBER 2, 2012**

TIME: **5:30 PM**

REQUEST
NUMBER: **Z-1213**

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and Zoning.

According to City Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**. The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING
DATE: **OCTOBER 15, 2012**

TIME: **7:00 PM**

REQUEST
NUMBER: **Z-1213**

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: Dean Kuhlmann, executor of the Estate of Antonette Marie Keating

LOCATION: 416 E. Austin, also known as 202 N. Elk St.
(see accompanying map)

REQUEST: Change in Land Use Plan from Low Density Residential to Medium Density Residential and a change in zoning from R-1, Single Family Residential to R-2, Mixed Residential

(DETACH BELOW)

REQUEST NO. Z-1213

As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed

Date

Printed Name

Address